

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SONY MUSIC ENTERTAINMENT, *et al.*,
Plaintiffs,

v.

COX COMMUNICATIONS, INC, *et al.*,
Defendants.

Civil No. 1:18-cv-950 (LO / JFA)

COX’S PROPOSED VERDICT FORM

Defendants Cox Communications, Inc. and Coxcom, LLC (“Cox”), submit this proposed jury verdict form. Cox reserves the right and requests the opportunity to supplement or revise this proposed form in the event that issues arise in pretrial rulings or during trial and for all other purposes contemplated by the Local Rules and Federal Rules of Civil Procedure.

VERDICT FORM

We, the jury in the above-captioned action, answer the questions submitted to us as follows:

DIRECT INFRINGEMENT

1. Did Plaintiffs prove by a preponderance of the evidence that subscribers to Cox's Internet service used that service to directly infringe Plaintiffs' copyrighted works?

Answer: Yes _____ No _____

2. If you answered "YES" to Question 1, how many work(s) do you find were directly infringed by Cox subscribers?

Answer: _____ works

If you answered "NO" to Question 1, DO NOT answer any more questions. If you answered "YES" to Question 1 and filled in the blank in Question 2, proceed to Question 3.

LIABILITY: CONTRIBUTORY AND VICARIOUS INFRINGEMENT

3. Did Plaintiffs prove by a preponderance of the evidence that Cox was contributorily liable for the direct infringement of its subscribers?

Answer: Yes _____ No _____

4. Did Plaintiffs prove by a preponderance of the evidence that Cox was vicariously liable for the direct infringement of its subscribers?

Answer: Yes _____ No _____

5. If you answered "YES" to Question 3 or Question 4, how many of the works that you identified in response to Question 2 did Cox vicariously or contributorily infringe?

Answer: _____ works

If you answered "NO" to both Question 3 and Question 4, DO NOT answer any more questions.

If you answered "YES" to either Question 3 or Question 4 and filled in the blank in Question 5, proceed to Question 6.

MITIGATION OF DAMAGES

6. If you found either contributory or vicarious infringement, do you find by a preponderance of the evidence that by failing to pursue direct infringers, Plaintiffs failed to take reasonable steps to mitigate their damages?

Answer: Yes __ No __

If you answered "YES" to Question 6, DO NOT answer any more questions. If you answered "NO" to Question 6, proceed to Question 7.

WILLFUL INFRINGEMENT DAMAGES ADJUSTMENT

Answer Question 7 only if you answered "YES" to Question 3 or Question 4 and "NO" to Question 6.

7. Do you find by a preponderance of the evidence that Cox's contributory or vicarious infringement was willful?

Answer: Yes ____ No ____

AMOUNT OF DAMAGES

Answer Questions 8 and 9 only if you answered "YES" to Question 3 or Question 4 and "NO" to Question 6.

8. What amount of statutory damages do you award for each work contributorily or vicariously infringed?

Answer: \$_____ per work

9. What is the total amount of damages you award to Plaintiffs in this case?

- a. Calculate the total damages, if any, by multiplying the number of infringed works in your answer to Question 5 times the damages per work in Question 10:

Number of works infringed _____ works

X Damages per work \$ _____

TOTAL DAMAGES = \$ _____

Please sign and return this verdict form to the Court.